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**ATTORNEYS FOR THE PLAINTIFF
AND COUNTERCLAIM
DEFENDANT UNITED STATES OF
AMERICA AND DEPT. OF JUSTICE**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA, BUTTE DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
ATLANTIC RICHFIELD COMPANY,)
)
Defendants)
)
ATLANTIC RICHFIELD COMPANY,)
)
Defendant and Counterclaim)
Plaintiff,)
)
vs.)
)
UNITED STATES OF AMERICA;)
UNITED STATES DEPARTMENT OF)
JUSTICE, et al.,)
)
Counterclaim Defendants.)

CV-89-39-BU-SEH

**JOINT REQUEST OF THE
UNITED STATES AND
ATLANTIC RICHFIELD
COMPANY FOR A
TELEPHONIC STATUS
CONFERENCE**

The United States, Atlantic Richfield Company (“Atlantic Richfield”) and Third-Party Participants (collectively, the “Parties”) are engaged in confidential settlement negotiations relating to the Butte Priority Soils Operable Unit (“BPSOU”) under the Court’s Amended Confidentiality Order (Dkt. No. 1052, Dec. 29, 2003). The BPSOU is part of the Silver Bow Creek / Butte Area NPL Site, which is one of the operable units at issue in this case.

Through these negotiations, the Parties have reached agreement upon a conceptual settlement framework for funding, design and implementation of remaining BPSOU remedy actions. Within this settlement framework, the United States and Atlantic Richfield would also agree upon terms for settlement of the United States’ claims and Atlantic Richfield’s counterclaims relating to the BPSOU. If the negotiations are successful, the settlement terms would be incorporated into a consent decree for public comment and, upon motion of the United States, thereafter presented to the Court for approval.

In parallel with the Parties’ confidential settlement negotiations on consent decree terms, the U.S. Environmental Protection Agency (EPA) intends to propose to modify the BPSOU remedy. Federal law requires EPA to seek public review and consider public comments on certain proposed

remedy changes before EPA decides whether to modify existing remedies. To support EPA's administrative decision-making process, the United States and Atlantic Richfield would, with the Court's approval, publicly disclose certain technical assessments and other information about the proposed future remedy actions that was or will be developed and exchanged in the course of confidential settlement communications, and thus are currently protected under the Amended Confidentiality Order (Dkt. No. 1052, Dec. 29, 2003). The United States and Atlantic Richfield submit this joint request for a telephonic status conference to inform the Court of the progress they have made, together with the Third Party-Participants, in the BPSOU site negotiations. The status conference will inform the Court of the anticipated timeframe for completion of the settlement negotiations as well as the requirements of the EPA administrative decision-making process.

Following the status conference and at the direction of the Court, the United States and Atlantic Richfield would prepare and file a joint motion seeking the Court's approval to disclose the information referenced above to the public to support EPA's administrative decision-making process. The Court's Amended Confidentiality Order (Dkt. No. 1052, Dec. 29, 2003) would remain in place with respect to other matters as the Parties continue

their confidential negotiations in an effort to reach a final agreement on consent decree terms.

Respectfully submitted this 4th day of April, 2018.

/s/ Kyle A. Gray

Holland & Hart LLP

/s/ James D. Freeman

United States Department of Justice

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